

# **Exhibit B**



Patrick Michels &lt;pmichels@revealnews.org&gt;

## Freedom of Information Act Request from The Center for Investigative Reporting

5 messages

**Patrick Michels** <pmichels@revealnews.org>  
 To: "ACF FOIA (ACF)" <FOIA@acf.hhs.gov>

Wed, Nov 28, 2018 at 6:09 PM

November 28, 2018

To Whom It May Concern:

This is a request under the Freedom of Information Act. I am a reporter with The Center for Investigative Reporting (henceforth "CIR") seeking information regarding Office of Refugee Resettlement's (ORR) care for unaccompanied minors.

More specifically, I hereby request the following records:

1. Copies of the most recent "Continuation Applications," along with any supporting information submitted with them, by the following grantees caring for unaccompanied minors under an agreement with the ORR Division of Unaccompanied Children's Operations (DUCO):

Shiloh Treatment Center  
 Yolo County Juvenile Detention Center  
 Shenandoah Valley Juvenile Detention Home  
 MercyFirst  
 David and Margaret Youth and Family Services  
 Pioneer Human Services  
 Friends of Youth  
 Heartland Human Care Services

These "Continuing Applications" are mentioned in the cooperative agreements between grantees and ORR, and require the submission of the following supplemental information:

1. Standard Forms: SF 424 Application for Federal Assistance, SF 424A Budget Information for Non-Construction Programs, and SF 424B Assurances for Non-Construction Programs;
2. Certification Regarding Lobbying;
3. Budget worksheets and narrative;
4. Program Description and Work plan;
5. Current State Residential Care License;
6. Proof of Insurance;
7. Facility lease or bank mortgage note on property (as applicable);
8. Indirect Cost Rate approval, if any;
9. Current Program Organizational Chart;
10. Staffing and Volunteer Roster;
11. Copy of all Child Protective Services reports, allegations and CPS investigations;
12. Property/Inventory List;
13. Project/Performance Site Location(s) form;

This list appears on page 29 of one such recent cooperative agreement, which the Department of Health and Human Services released to CIR in October 2018, and is available here:

<https://www.documentcloud.org/documents/5008808-ORR-Shelter-Contract-a-New-Leaf.html>

2. Copies of any information submitted to ORR by Shiloh Treatment Center, under its cooperative agreement with ORR, to fulfill the requirement described in section F 7 (b), requiring the disclosure of various information related to all sub-recipients providing services to unaccompanied children under the grant.

The full list appears on page 23 of the cooperative agreement between Shiloh and ORR, which the Department of Health and Human Services released to CIR in October 2018, and is available here:

<https://www.documentcloud.org/documents/5009015-ORR-Therapeutic-Contract-Shiloh.html#document/p23/a467925>

3. Records sufficient to show, since January 1, 2016, any cases in which ORR approved the placement of an unaccompanied child outside the DUCO care network, including but not limited to the date of the approval, the justification, and the name and location of the out-of-network provider.

The ORR policy guide describes the procedure for such cases: "ORR makes every effort to place children and youth within the ORR funded care provider network. However, there may be instances when ORR determines there is no care provider available within the network to provide specialized services needed for special needs cases. In those cases, ORR will consider an alternative placement. An ORR Supervisor and ORR Project Officer must approve these placements."

The ORR policy guide is publicly available here:

<https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1.2>

4. Copies of all emails, including attached files, sent or received by former ORR director Scott Lloyd from November 18 to 19, 2018.

5. Copies of the following information produced by the Vera Institute of Justice for ORR under its agreement with HHS, number HHSP2332009316G, entitled "ORR Pro Bono Legal Services for Unaccompanied Children":

(a) A copy of the most recent Contractor Performance Evaluation Report, mentioned in the agreement here:  
<https://www.documentcloud.org/documents/4998135-2009-Vera-Institute-ORR-Contract-From-Flores.html#document/p16/a467641>

(b) Copies of all "on-going qualitative analysis" produced by Vera for ORR related to the "effectiveness of sites' legal access programs and child advocate program," from January 1, 2017, until the date this request is processed, as described in the cooperative agreement here:  
<https://www.documentcloud.org/documents/4998135-2009-Vera-Institute-ORR-Contract-From-Flores.html#document/p9/a467643>

(c) Copies of all such "on-going qualitative analysis" produced by Vera for ORR related to the "effectiveness of sites' legal access programs and child advocate program," from 2009 to 2011, which include an analysis of Catholic Charities of San Antonio.

I would like the agency to produce these on a rolling basis as it becomes available for release, understanding that some of the information may be available before the entirety of the request.

Fee Waiver and Fee Benefit:

CIR is the nation's oldest nonprofit news organization. As a member of the news media, I am seeking this information for dissemination to the general public as part of an effort to examine ORR's changing policies related to potential gang membership among unaccompanied minors. As such, I am requesting a fee waiver of search and review fees as a member of the news media. 5 U.S.C. § 552(a)(4)(A)(iii). This request is made in the public interest and not for commercial use. For additional details about Reveal, please see our web site: <<https://www.revealnews.org>>. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

Expedited Processing

I am requesting expedited processing on this request. Pursuant to FOIA and agency guidelines expedited processing is required under certain circumstances. 5 U.S.C. § 552(a)(6)(E)(v)(II); see also Al-Fayed v. CIA, 254 F.3d 300, 306 (D.C. Cir. 2001). These records concern timely questions around the quality of care provided by shelters and treatment centers housing unaccompanied migrant children, a matter of great public interest that is subject to fast-changing policy decisions. Any information obtained from this request will be used for the public's interest in news stories written for CIR.

I certify that the above information is true and correct to the best of my knowledge.

Electronic Records:

Please furnish all responsive records in electronic, searchable format delivered to my email address [pmichels@revealnews.org](mailto:pmichels@revealnews.org). If that's not possible, please send records on a CD-ROM sent to the following address:

Patrick Michels

1400 65th St., Suite 200  
Emeryville, CA 94608

Further Correspondence:

All correspondence regarding this request can be directed to me at [pmichels@revealnews.org](mailto:pmichels@revealnews.org).

Please be aware that under 5 U.S.C. § 552(a)(6)(A), a FOIA request is considered constructively denied after twenty business days and is subject to litigation on that basis. If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. As the law requires, I will also expect you to release all segregable portions of otherwise exempt material.

I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

If you have any questions, do not hesitate to contact me at 512-222-3894.

Thank you for your prompt attention to this request.

Sincerely,

Patrick Michels

--  
Patrick Michels  
Reporter  
o: 510-809-3172 c: 512.222.3894

**Reveal**

from The Center for Investigative Reporting  
[@patrickmichels](#) | [podcast](#) | [website](#)

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**Patrick Michels** <[pmichels@revealnews.org](mailto:pmichels@revealnews.org)>  
To: "ACF FOIA (ACF)" <[FOIA@acf.hhs.gov](mailto:FOIA@acf.hhs.gov)>

Fri, Jan 25, 2019 at 4:55 PM

Hi, I'm following up on this FOIA request I sent last November. I haven't received an acknowledgement letter or a tracking number, and I would like to check on the status of the request.

Thanks very much,  
-Patrick

[Quoted text hidden]

--  
Patrick Michels  
Reporter  
mobile: 512.222.3894

**Reveal**

from The Center for Investigative Reporting  
[@patrickmichels](#) | [podcast](#) | [website](#)

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**ACF FOIA (ACF)** <[FOIA@acf.hhs.gov](mailto:FOIA@acf.hhs.gov)>  
To: Patrick Michels <[pmichels@revealnews.org](mailto:pmichels@revealnews.org)>

Mon, Jan 28, 2019 at 2:54 PM

Mr. Michels, I sincerely apologize. I do not see where this request was logged into the database. It will be logged in tomorrow and a search request will be sent out to the appropriate program office(s). You will also receive notification acknowledging receipt of your request.

Respectfully,

Celeste Smith  
Director, Freedom of Information Office  
Office of Communications  
Administration for Children and Families  
Department of Health and Human Services  
Tel: 202-205-6369

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-Patrick

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[Quoted text hidden]

[REDACTED]  
[@patrickmichels](#) | [podcast](#) | [website](#)

--  
Patrick Michels  
Reporter  
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To: "ACF FOIA (ACF)" <[FOIA@acf.hhs.gov](mailto:FOIA@acf.hhs.gov)>

Mon, Feb 4, 2019 at 1:13 PM

Hi Celeste, thanks for your note back last week -- I'm just following up because I haven't received the notice you mentioned, acknowledging my request and providing a tracking number. I'm not sure how long that should take, but I didn't want it to slip through the cracks. Thank you,

-Patrick

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# Reveal

from The Center for Investigative Reporting  
@patrickmichels | podcast | website

**ACF FOIA (ACF) <FOIA@acf.hhs.gov>**

To: Patrick Michels <pmichels@revealnews.org>  
Cc: "Wahl, Sarah (ACF) (CTR)" <Sarah.Wahl@acf.hhs.gov>

Mon, Feb 4, 2019 at 1:34 PM

Your request was supposed to be logged in last week. I do not see it in the database. It is being logged it now, and you will receive the acknowledgement letter and tracking number shortly.

My sincere apologies.

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-Patrick

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CIR is the nation's oldest nonprofit news organization. As a member of the news media, I am seeking this information for dissemination to the general public as part of an effort to examine ORR's changing policies related to potential gang membership among unaccompanied minors. As such, I am requesting a fee waiver of search and review fees as a member of the news media. 5 U.S.C. § 552(a)(4)(A)(iii). This request is made in the public interest and not for commercial use. For additional details about Reveal, please see our web site: <<https://protect2.fireeye.com/url?k=7af665a2-26a27cde-7af6549d-0cc47adc5fa2-8421e642388232cc&u=https://www.revealnews.org/>>. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

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